

U.S. Application No. 09/490,061

Docket No. 0905-0226P

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REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 7-12 remain pending, of which claims 7 and 10 are independent.

§ 103 REJECTION - FUKADA

Claims 7-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fukada et al. (EP 0 838 767 A2, hereinafter "Fukada"). Applicant respectfully traverses this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish a *prima facie* case of obviousness is that the prior art reference must teach or suggest all claim limitations. See *M.P.E.P.* 2142; *M.P.E.P.* 706.02(j). Thus, if the cited reference fails to teach or suggest one or more claimed elements, then the rejection must fail.

In this instance, independent claim 7 recites, in part, "an image-file recording controller for changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number

generated by said incrementing device and recording the read image file on the second loadable and removable recording medium without checking for duplicate file names in the second loadable and removable recording medium." Independent claim 10 recites a similar feature.

In the invention as claimed, it is not necessary to check for duplicate file names in the second loadable and recording medium. Because of the incrementing device that increments the last file number read out by the file-number read out device, the new file name is prevented from being a duplicate of other file names. Thus, the changing of the file name of the image file from the first device can be performed "without checking for duplicate file names in the second loadable and removable recording medium."

In contrast, Fukada cannot be relied upon to teach or suggest the above-recited feature. Indeed, Fukada teaches quite the opposite. Fukada discloses that image files recorded on a memory card 2 (asserted by the Examiner to be equivalent to the first loadable and removable recording medium) are read one by one. See *Fukada*, column 6, lines 12-16. Fukada also discloses that based on the properties of the recorded information for an image file, a file

name used upon storage of the image file is determined. *See Fukada, column 6, lines 19-20.* For example, property information could be a combination of a title and date of recording and an identifying number. *See Fukada, column 6, lines 20-27.*

However, Fukada states, "it is examined ... whether or not an image file with the identical file name already exists in the hard disc." *See Fukada, column 6, lines 47-50.* Fukada goes on to state, "If an image file with the identical file name already exists, a new file name is determined by changing the identifying number." *See Fukada, column 6, lines 52-54.*

Fukada recognizes that its method of generating the temporary file name does **not** guarantee uniqueness. Because of the possibility of a duplicate file name, a check **must** be made and appropriate actions must be taken to prevent duplicate names.

Clearly, this is in complete contrast to the inventions as claimed in the present application. Therefore, claims 7 and 10 are distinguishable over Fukada.

Claims 8, 9, 11, and 12 depend directly or indirectly from independent claims 7 and 10. Therefore, these dependent claims are distinguishable over Fukada for at least the reasons stated with

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respect to independent claims 7 and 10 as well as on their own merits.

Applicant respectfully requests that the rejection of claim 7-12 based on Fukada be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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